

**From:** Chip Piller  
**To:** Microsoft ATR  
**Date:** 1/28/02 8:00am  
**Subject:** microsoft anti trust comments

I find the terms outlined in the Proposed Final Judgement (PFJ) of the Microsoft Antitrust case to not be in the best interests of the public. In general I find that the PFJ does not go far enough in it's remedies, that the PFJ should be rewritten so that the language and terms used in the document are more clearly defined, and that the PFJ be more direct and eliminate exceptions and allowances so as to be more restrictive and to eliminate loopholes.

### Section III Prohibited Conduct

This sections states that the royalty schedule will be "established by Microsoft and published on a web site accessible to the Plaintiffs and all Covered OEMs". I would like for the schedule to be made available to the general public. Also, the nature of the web site and access to the web site both need to be defined. The concern here is that Microsoft will prepare the web pages and web site in a way that favors or requires the use of Microsoft products for proper access.

III-B-2 permits Microsoft to charge different amounts for it's products based upon "reasonable" volume discounts. The term reasonable must be defined. However, even if reasonable is defined this volume discount amounts to nothing less than discrimination against small businesses and individuals and therefore should not be permitted. The royalties, fees, and charge schedule should be uniform across the board and should be made public.

III-B-3 Market development allowances. The court has determined that Microsoft is a monopoly and the court has found Microsoft guilty of anti-competitive practices. I am opposed to the court making provisions for Microsoft for market development. This exception makes no sense.

III-D/E This is a very important section. Microsoft must be required to make full and complete disclosure of the API's and documentation necessary for interoperating with all Microsoft software products, not just the Microsoft operating system.

This disclosure needs to be made to the general public and without charge so that members of the open source programming community may develop their software to be compatible with the software produced by Microsoft.

This disclosure should be changed to include items such as the Microsoft file formats used by the Microsoft operating system as well as the file formats, communication protocols, and authentication methods used by other Microsoft products such as Word, Excel, and Exchange.

In addition I would like to add that I believe that competition for

Microsoft will come from the open source programming community, which is comprised of volunteers around the internet. I would like to see the PFJ remedies be available to these people who will then be able to make their software compatible with that of Microsoft so that consumers will be given a real choice in their software.

Regards,  
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